IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1822 OF 2004

Shri.Vinay Labhshankar Thakkar
& Anr. ..Petitioners
Vs.
Mr.Nalin Z.Mehta & Anr. ..Respondents

None for Petitioner
Mr.M.S.Mhambray, A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 23,2005

P.C.

1. None appears for the Petitioner. On the earlier two occasions i.e. 26.4.2005 and 13.6.2005 also none appeared for the petitioner.

2. The petitioners have prayed that the accounts of the petitioners which have been frozen by the Officer of Matunga Police Station in MECR No.1 of 2004 be defrozen. The said case is under section 420 r.w. 34 of IPC. The learned A.P.P. on the instructions of Mr.Pramod K.Dhaware, A.P.I. of Matunga Police Station who is present in Court, has

stated that police have no objection for defreezing the account of the petitioners i.e. Account No. 3246 of Vijaya Bank, Matunga Branch which has been frozen by them. It is stated by the learned A.P.P. that Investigating Agency has no objection to the petitioners being allowed to operate the account.

3. The petitioners have also prayed for quashing of the order dated 2.4.2005 of the learned Metropolitan Magistrate, 30th Court, Kurla, Mumbai in MECR No.1 of 2004. By the said order, the learned Magistrate directed investigation under section 156(ii) of Cr.P.C. In view of the fact that the investigation is over and the charge-sheet has been filed and now the said case is numbered as 3/WP/2005, the said prayer would be infructuous and it would be open to the petitioners to seek quashing of the said charge-sheet if so advised. Thus, in view of the above, the petition is allowed in terms of prayer clause (b).

[V.K.TAHILRAMANI,J.]